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10/016,882	12/14/2001	Mark E. Day	5759B-000004/US	7738
28997 7590 08/27/2008 HARNESS, DICKEY, & PIERCE, P.L.C 7700 Bonhomme, Suite 400 ST. LOUIS, MO 63105				
EXAMINER				
ERB, NATHAN				
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3628				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/016,882

**Applicant(s)**

DAY, MARK E.

**Examiner**

NATHAN ERB

**Art Unit**

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 35, 36 and 38-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35-36 and 38-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 2, 2008, has been entered.

***Response to Arguments***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. In response to Applicant's amendments to the claims, the corresponding claim rejections have been correspondingly amended below in this Office action. Examiner believes that the amendments to the rejections render Applicant's arguments to be no longer applicable.

***Claim Rejections - 35 USC § 103***

4. Claims 35-36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peddie et al., U.S. Patent No. 4,351,028, in view of Frew et al., U.S. Patent No. 4,803,632, in further view of Ehlers et al., U.S. Patent Application Publication No. US 2001/0010032 A1.

As per **Claim 35**, Peddie et al. discloses:

- a communication system for a prepaid utility service (column 1, lines 10-20; column 1, lines 23-44; column 1, line 61, through column 2, line 64; column 3, line 35, through column 4, line 7; column 4, lines 22-46);

- the system comprising a utility host for managing a customer account, a customer interface for displaying information regarding the customer account, and a control assembly for controlling the utility service, the utility host configured for communicating with the customer interface and with the control assembly (column 1, lines 10-20; column 1, lines 23-44; column 1, line 61, through column 2, line 64; column 3, line 35, through column 4, line 7; column 4, lines 22-46).

Peddie et al. fails to disclose the communication system having no dedicated wiring between the customer interface and the control assembly. Frew et al. discloses the communication system having no dedicated wiring between the customer interface and the control assembly (column 2, lines 45-58). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Peddie et al. such that the communication system has no dedicated wiring between the customer interface and the control assembly, as disclosed by Frew et al. Motivation is provided by Frew et al. in that such a configuration can make installation of the system easier (column 2, lines 45-58).

Peddie et al. and Frew et al. fail to disclose the communication system being configured to implement a disconnect command from the utility host at a specified time of day. Ehlers et al. discloses the communication system being configured to implement a disconnect command from the utility host at a specified time of day

(paragraphs [0133]-[0134])). Therefore, the prior art includes each element claimed, although not necessarily in a single reference. One of ordinary skill in the art could have combined the elements as claimed by known methods (it would simply be a matter of programming the invention of Peddie et al. as modified by Frew et al. to identify the signal of Ehlers et al. and respond by disconnecting power). In combination, each element merely would have performed the same function as it did separately (Peddie et al. would still perform its payment management; Frew et al. would still provide an easy-to-install method of communication; Ehlers et al. would still allow stricter control over how a customer gets disconnected). One of ordinary skill in the art would have recognized that the results of the combination were predictable (the elements do not interfere with each other when combined; there are no apparent surprising results from the combination). Therefore, the invention of claim 35 would have been obvious.

As per **Claim 36**, Peddie et al. further discloses wherein the customer interface is configured for communicating with the control assembly (column 1, lines 10-20; column 1, lines 23-44; column 1, line 61, through column 2, line 64; column 3, line 35, through column 4, line 7; column 4, lines 22-46).

As per **Claim 39**, Peddie et al., Frew et al., and Ehlers et al. fail to disclose wherein the specified time of day is during daylight hours. However, that element/limitation was well-known to one of ordinary skill in the art at the time of Applicant's invention (it was well-known that certain times correspond to daylight hours).

Therefore, the prior art includes each element claimed, although not necessarily in a single reference. One of ordinary skill in the art could have combined the elements as claimed by known methods (it would be the same as the previous combination of Peddie et al., Frew et al., and Ehlers et al. in claim 35, except the specified disconnect time would just happen to be during daylight hours; no other changes). In combination, each element merely would have performed the same function as it did separately (Peddie et al. would still perform its payment management; Frew et al. would still provide an easy-to-install method of communication; Ehlers et al. would still allow stricter control over how a customer gets disconnected; daylight hours would still just be setting forth a particular scheduled time). One of ordinary skill in the art would have recognized that the results of the combination were predictable (the elements do not interfere with each other when combined; there are no apparent surprising results from the combination). Therefore, the invention of claim 39 would have been obvious.

5. Claims 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peddie et al. in view of Ehlers et al.

As per Claim 38, Peddie et al. discloses:

- a method for communicating information relating to a utility service between a utility host, a customer interface, and a control assembly for said utility service (column 1, lines 10-20; column 1, lines 23-44; column 1, line 61, through column 2, line 64; column 3, line 35, through column 4, line 7; column 4, lines 22-46);

- determining an amount of prepaid service remaining in a customer account (column 1, lines 10-20; column 1, lines 23-44; column 1, line 61, through column 2, line 64; column 3, line 35, through column 4, line 7; column 4, lines 22-46);

- communicating the determined amount of prepaid service remaining in the customer account from the utility host to the customer interface for display to the customer (column 1, lines 10-20; column 1, lines 23-44; column 1, line 61, through column 2, line 64; column 3, line 35, through column 4, line 7; column 4, lines 22-46);

- communicating a disconnect command from the utility host to the control assembly when the amount of prepaid service in the customer account is exhausted (column 1, lines 10-20; column 1, lines 23-44; column 1, line 61, through column 2, line 64; column 3, line 35, through column 4, line 7; column 4, lines 22-46).

Peddle et al. fails to disclose implementing the disconnect command at a specified time of day. Ehlers et al. discloses implementing the disconnect command at a specified time of day (paragraphs [0133]-[0134]). Therefore, the prior art includes each element claimed, although not necessarily in a single reference. One of ordinary skill in the art could have combined the elements as claimed by known methods (it would simply be a matter of programming the invention of Peddle et al. to identify the signal of Ehlers et al. and respond by disconnecting power). In combination, each element merely would have performed the same function as it did separately (Peddle et al. would still perform its payment management; Ehlers et al. would still allow stricter control over how a customer gets disconnected). One of ordinary skill in the art would have recognized that the results of the combination were predictable (the elements do

not interfere with each other when combined; there are no apparent surprising results from the combination). Therefore, the invention of claim 38 would have been obvious.

As per Claim 40, Peddie et al. and Ehlers et al. fail to disclose wherein the specified time of day is during daylight hours. However, that element/limitation was well-known to one of ordinary skill in the art at the time of Applicant's invention (it was well-known that certain times correspond to daylight hours). Therefore, the prior art includes each element claimed, although not necessarily in a single reference. One of ordinary skill in the art could have combined the elements as claimed by known methods (it would be the same as the previous combination of Peddie et al. and Ehlers et al. in claim 38, except the specified disconnect time would just happen to be during daylight hours; no other changes). In combination, each element merely would have performed the same function as it did separately (Peddie et al. would still perform its payment management; Ehlers et al. would still allow stricter control over how a customer gets disconnected; daylight hours would still just be setting forth a particular scheduled time). One of ordinary skill in the art would have recognized that the results of the combination were predictable (the elements do not interfere with each other when combined; there are no apparent surprising results from the combination). Therefore, the invention of claim 40 would have been obvious.

6. Claims 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peddie et al. in view of Frew et al. in further view of Shincovich, U.S. Patent Application Publication No. US 2002/0074990 A1.



As per Claim 41, Peddie et al. discloses:

- a communication system for a prepaid utility service (column 1, lines 10-20; column 1, lines 23-44; column 1, line 61, through column 2, line 64; column 3, line 35, through column 4, line 7; column 4, lines 22-46);
- the system comprising a utility host for managing a customer account relating to a utility service provided to a customer premises, a customer interface for displaying information regarding the customer account, and a control assembly for controlling the utility service, the utility host configured for communicating with the customer interface and with the control assembly (column 1, lines 10-20; column 1, lines 23-44; column 1, line 61, through column 2, line 64; column 3, line 35, through column 4, line 7; column 4, lines 22-46).

Peddie et al. fails to disclose the communication system having no dedicated wiring between the customer interface and the control assembly. Frew et al. discloses the communication system having no dedicated wiring between the customer interface and the control assembly (column 2, lines 45-58). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Peddie et al. such that the communication system has no dedicated wiring between the customer interface and the control assembly, as disclosed by Frew et al. Motivation is provided by Frew et al. in that such a configuration can make installation of the system easier (column 2, lines 45-58).

Peddie et al. and Frew et al. fail to disclose the communication system configured to implement a restore command from the utility host only when someone is present at the customer premises. Shincovich discloses the communication system configured to implement a restore command from the utility host only when someone is present at the customer premises (paragraph [0097]; paragraph [0120]). Therefore, the prior art includes each element claimed, although not necessarily in a single reference. One of ordinary skill in the art could have combined the elements as claimed by known methods (it would simply be a matter of programming the invention of Peddie et al. as modified by Frew et al. to require input from customer before reconnecting the utility service). In combination, each element merely would have performed the same function as it did separately (Peddie et al. would still perform its payment management; Frew et al. would still provide an easy-to-install method of communication; Shincovich would still provide for customer approval of reconnection). One of ordinary skill in the art would have recognized that the results of the combination were predictable (the elements do not interfere with each other when combined; there are no apparent surprising results from the combination). Therefore, the invention of claim 41 would have been obvious.

As per **Claim 42**, Peddie et al. and Frew et al. fail to disclose wherein the customer interface is configured to receive a manual update to determine when someone is present at the customer premises. Shincovich further discloses wherein the customer interface is configured to receive a manual update to determine when

someone is present at the customer premises (paragraph [0097]; paragraph [0120]). Therefore, the prior art includes each element claimed, although not necessarily in a single reference. One of ordinary skill in the art could have combined the elements as claimed by known methods (it would simply be a matter of programming the invention of Peddie et al. as modified by Frew et al. to require input from customer before reconnecting the utility service). In combination, each element merely would have performed the same function as it did separately (Peddie et al. would still perform its payment management; Frew et al. would still provide an easy-to-install method of communication; Shincovich would still provide for customer approval of reconnection). One of ordinary skill in the art would have recognized that the results of the combination were predictable (the elements do not interfere with each other when combined; there are no apparent surprising results from the combination). Therefore, the invention of claim 42 would have been obvious.

As per Claim 43, Peddie et al., Frew et al., and Shincovich fail to disclose wherein the customer interface is configured to receive a PIN code. However, that element/limitation would have been obvious to one of ordinary skill in the art at the time of Applicant's invention (PIN numbers are used all the time to verify the presence of particular people; for example, at an ATM machine). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the invention of Peddie et al. as modified in the rejection for claim 41 such that the customer interface is configured to receive a PIN code, as was well-known to one of ordinary skill in the art at

the time of Applicants' invention. Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of Applicant's invention that PIN codes are commonly used to verify the presence of particular people (see ATM example above).

7. Claims 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peddie et al. in view of Shincovich.

As per Claim 44, Peddie et al. discloses:

- a method for communicating information relating to a utility service provided to a customer premises between a utility host, a customer interface, and a control assembly for said utility service (column 1, lines 10-20; column 1, lines 23-44; column 1, line 61, through column 2, line 64; column 3, line 35, through column 4, line 7; column 4, lines 22-46);

- determining an amount of prepaid service remaining in a customer account (column 1, lines 10-20; column 1, lines 23-44; column 1, line 61, through column 2, line 64; column 3, line 35, through column 4, line 7; column 4, lines 22-46);

- communicating the determined amount of prepaid service remaining in the customer account from the utility host to the customer interface for display to the customer (column 1, lines 10-20; column 1, lines 23-44; column 1, line 61, through column 2, line 64; column 3, line 35, through column 4, line 7; column 4, lines 22-46).

Peddie et al. fails to disclose communicating a restore command from the utility host to the control assembly and implementing the restore command only when someone is present at the customer premises. Shincovich discloses communicating a

restore command from the utility host to the control assembly and implementing the restore command only when someone is present at the customer premises (paragraph [0097]; paragraph [0120]). Therefore, the prior art includes each element claimed, although not necessarily in a single reference. One of ordinary skill in the art could have combined the elements as claimed by known methods (it would simply be a matter of programming the invention of Peddie et al. to require input from customer before reconnecting the utility service). In combination, each element merely would have performed the same function as it did separately (Peddie et al. would still perform its payment management; Shincovich would still provide for customer approval of reconnection). One of ordinary skill in the art would have recognized that the results of the combination were predictable (the elements do not interfere with each other when combined; there are no apparent surprising results from the combination). Therefore, the invention of claim 44 would have been obvious.

As per Claim 45, Peddie et al. fails to disclose receiving a manual update to determine when someone is present at the customer premises. Shincovich further discloses receiving a manual update to determine when someone is present at the customer premises (paragraph [0097]; paragraph [0120]). Therefore, the prior art includes each element claimed, although not necessarily in a single reference. One of ordinary skill in the art could have combined the elements as claimed by known methods (it would simply be a matter of programming the invention of Peddie et al. to require input from customer before reconnecting the utility service). In combination,

each element merely would have performed the same function as it did separately (Peddie et al. would still perform its payment management; Shincovich would still provide for customer approval of reconnection). One of ordinary skill in the art would have recognized that the results of the combination were predictable (the elements do not interfere with each other when combined; there are no apparent surprising results from the combination). Therefore, the invention of claim 45 would have been obvious.

As per **Claim 46**, Peddie et al. and Shincovich fail to disclose receiving a PIN code. However, that element/limitation would have been obvious to one of ordinary skill in the art at the time of Applicant's invention (PIN numbers are used all the time to verify the presence of particular people; for example, at an ATM machine). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the invention of Peddie et al. as modified in the rejection for claim 44 such that it receives a PIN code, as was well-known to one of ordinary skill in the art at the time of Applicants' invention. Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of Applicant's invention that PIN codes are commonly used to verify the presence of particular people (see ATM example above).

### ***Conclusion***

8. **Examiner's Note:** Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It

is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Erb whose telephone number is (571) 272-7606. The examiner can normally be reached on Mondays through Fridays, 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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